

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ATARI, INC.,
a Delaware Corporation,

and

MIDWAY MFG. CO., an
Illinois corporation,

Plaintiffs,

vs.

NORTHERN AMERICAN PHILIPS
CONSUMER ELECTRONICS CORP.,
a Tennessee corporation,

PARK TELEVISION d/b/a
PARK MAGNAVOX HOME
ENTERTAINMENT CENTER,
an Illinois partnership,

and

ED AVERETT,
an individual,

Defendants.

Civil Action No. 81 C 6434

The Honorable George N. Leighton

AFFADAVIT OF MR GLENN E. BRASWELL
IN SUPPORT OF PLAINTIFF
MIDWAY MFG. CO.'S REPLY
MEMORANDUM IN SUPPORT
OF ITS MOTION FOR DISQUALIFICATION
OF REUBEN & PROCTOR AS COUNSEL
FOR DEFENDANTS

STATE OF VIRGINIA
CITY OF ALEXANDRIA

SS.

Glenn E. Braswell being duly sworn, deposes and says:

1. I am Executive Director of the Amusement Game Manufacturers Association and have held this position since May, 1980.

2. Prior to this position I served for twelve years as a

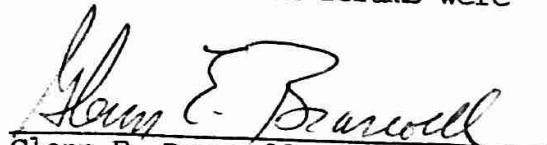
trade association executive.

3. For most of the calendar year 1981 and all of the calendar year 1982, David Maher, Reuben & Proctor of Chicago, Illinois was general counsel for the AGMA, and in that role I considered him to represent not only the association per se, but, the collective interest of each of the members individually of the association with respect to subjects of mutual concern, among the the AGMA members, including specifically copyright protection for video games.

4. It is my understanding and belief and managerial expectation that representatives of individual companies worked with and confided in Mr. Maher of Reuben & Proctor, in connection with obtaining effective copyright protection programs for video games within the U.S. and the international arena.

5. In representing the AGMA and its members, Mr. Maher of Reuben & Proctor was representing the position in favor of the copyrightability of audiovisual work including video games. The policy of the AGMA and its members have never been to the contrary.

6. I feel that to allow former association counsel to represent interests adverse to the association and its individual members, particularly within a reasonable time frame immediately following such association representation, would provide a chilling effect on the cooperative objectives sought through the common interest of trade association memberships and would prohibit individual members from confiding in and/or working with trade counsel to address the common concern for which association forums were formed.


Glenn E. Braswell

State of Virginia
City of Alexandria: To-Wit:

Subscribed and sworn before me this 16th day of June, 1983.

My Commission Expires:
9/30/84

Nancy J. Sullivan, Notary Public
-2- 